

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GENERAL MOTORS CORPORATION,

Plaintiff(s),

**CASE NUMBER: 05-73598
HONORABLE VICTORIA A. ROBERTS**

v.

NAPOLEON BRYANT,

Defendant(s).

_____ /

ORDER DISMISSING COMPLAINT

Plaintiff General Motors Corporation ("GM") brings this action against former employee Defendant Napoleon Bryant. GM alleges that Bryant failed to return a \$5,000.00 signing/transfer bonus that he received in accordance with a collective bargaining agreement, although Bryant was not entitled to retain the funds after he was terminated. GM alleges two state law claims: breach of contract and unjust enrichment. But, GM asserts that the Court has federal question jurisdiction under the Labor-Management Relations Act ("LMRA"), 29 U.S.C. §185.

Section 185 of the LMRA allows employers to bring suits against labor organizations. It does not authorize suits against individual employees, and the Court is not aware of any other authority permitting such suits under §185. Therefore, pursuant to FRCP 12(h)(3), the Court dismisses Plaintiff's complaint, *sua sponte*, for lack of subject matter jurisdiction. See *Franzel v Kerr Mfg. Co.*, 959 F.2d 628, 630 (6th Cir. 1992)("[S]ubject-matter jurisdiction may be raised at any time, by any party or even *sua*

sponte by the court itself.”).

IT IS SO ORDERED.

s/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: October 21, 2005

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on October 21, 2005.

s/Linda Vertriest

Deputy Clerk